

The initial issue which has to be addressed in the present case is whether the Appeals Board has jurisdiction to review this preliminary hearing order. Respondent contends that the Administrative Law Judge exceeded her authority in ordering payment of certain medical bills which exceed the unauthorized medical allowance of \$350.00 as provided for in K.S.A. 1992

Supp. 44-510(c). One of the two issues that the Administrative Law Judge has authority to decide pursuant to the preliminary hearing statute, pending the conclusion of a full hearing on the claim, is medical compensation. K.S.A. 44-534a(a)(2). Since the Administrative Law Judge in this case ordered the payment of medical compensation which she had the authority to order, she did not exceed her authority as contended by the respondent.

The Appeals Board does have jurisdiction to review a preliminary hearing order, if one of the specific issues that are enumerated in K.S.A. 44-534a(a)(2) are disputed or if appellant otherwise alleges the Administrative Law Judge exceeded his or her jurisdiction. However, respondent has not raised one of those issues and, therefore, the Appeals Board does not have jurisdiction to review this preliminary hearing order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be and is hereby dismissed and the Order of Administrative Law Judge Nelsonna Potts Barnes, dated September 29, 1994, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of November, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

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